

# National Anti-Slavery Standard.

SYDNEY HOWARD GAY, EDITOR.

Without Concealment...Without Compromise.

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Pro-Slavery.

THE FUGITIVE SLAVE BILL.

SPEECH OF HON. T. G. PRATT,

OF MARYLAND

In the United States Senate, August 20 and 21, 1850.

The Senate having under consideration the bill to provide for the more effectual execution of the third clause of the second section of the fourth article of the Constitution of the United States—

Mr. PRATT moved to amend the bill as, amended, by adding several sections thereto, as follows:

SEC. — *And be it further enacted*, That whenever a person held to service or labor, as are hereinbefore expressed, shall escape as aforesaid; it shall be lawful for the person or persons to whom such service or labor is due, or his, or their agent or attorney, authorized in the manner prescribed by the third section of this act to deliver to the proper officer authorized by this act, to hear and determine upon the claim of such person or persons to the service or labor of such fugitive, a transcript of the record as authorized by the — section of this act, and authenticated as therby required, or such other proof as such claimants would now by law be authorized to furnish; and thereupon, and upon the affidavit in writing of such claimant, or his, her, or their agent or attorney, made before such officer, that the person or persons named in said record as a fugitive or fugitives, is or are at the time of such affidavit being made, within the country where such officer resides, or within the territorial limits within which such officer is authorized to act, it shall be the duty of such officer forth with to issue his warrant, directed as aforesaid, and upon the receipt thereof by the officer to whom directed, it shall be his duty to execute the same, and to proceed therewith in the same manner as is prescribed by the third section of this act.

SEC. — *And be it further enacted*, That if such fugitive be not delivered up to the person or persons delivering such transcript, or furnishing such other proof as aforesaid, within — days after the same is delivered or furnished, and affidavit made as aforesaid, then it shall be lawful for such claimant or claimants to institute suit in the circuit or district court of the United States, in which he, she, or they reside, against the district attorney of the United States for such district, to recover the value of such fugitive from service or labor and the legal expenses incurred in the attempt to secure such fugitive.

SEC. — *And be it further enacted*, That at the time of instituting such suit in the circuit or district court as aforesaid, the said claimant shall file a declaration in writing, in which he shall set forth his title to the service or labor of such fugitive; that the proceedings had, to be under the provisions of this act to recover such fugitive in the State or Territory into which such fugitive has escaped, that the said fugitive was in the county named in said proceedings when the same was there commenced, and that such fugitive had not been delivered to said claimant as required by this act; that a copy of said declaration shall be issued by the clerk of said district or circuit court, with a summons against the said district attorney, which shall be delivered to the marshal of the United States, to be by him served on the said attorney, and then returned as in the case of other mesne process to said court.

SEC. — *And be it further enacted*, That at the term of said court, to which the said process shall be returned served, it shall be the duty of the said attorney to take issue to the said declaration, whereupon it shall be the duty of said court to swear a jury to try said issues; and the said attorney being hereby required to defend the same on behalf of the United States, and upon the verdict of the jury in favor of such claimant to be rendered upon such legal and competent testimony as shall be admitted by the court, judgment shall be rendered in said court for the value of the service or labor of such fugitive, as ascertained by the jury, together with the legal expenses incurred by the said claimant in the prosecution of his said claim.

SEC. — *And be it further enacted*, That it shall and may be lawful for any claimant who may recover judgment as aforesaid, to make an authenticated copy thereof, and to present the same to the Secretary of the Treasury of the United States, who is hereby authorized and directed to pay the same out of any money in the Treasury not otherwise appropriated.

SEC. — *And be it further enacted*, That if, at any time after any fugitive from service or labor shall be paid for as hereinbefore authorized and required, it shall be the duty of the officers named in this act to apprehend such fugitive, it shall be the duty of said officers to apprehend them, and as soon thereafter as may be to deliver them to the owners, or their representatives, to whom such payment may have been made; and upon such delivery it shall be the duty of the said officers to notify the district attorney for the time being of the district in which the owner may reside, of such delivery, whereupon the master shall become liable to the United States for the value of such fugitive at the time of such delivery, to be recovered by the said district attorney of the master by suit in said circuit court.

Mr. PRATT. I suppose that the amendment which I have had the honor to offer for the consideration of the Senate, has been read by almost every Senator present. The Senate will perceive that it proceeds upon the hypothesis, that the Constitution of the United States imposes upon the Federal Government the obligation to deliver to the master his fugitive slave, when the slave shall have escaped from the State within which the master resides to any other State of this Union. The clause of the Constitution is in these words:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Here is an express constitutional direction that fugitive slaves, who shall thus escape, shall be delivered up on claim of the party to whom the service or labor is due. Now, sir, if there had been no decision of the Supreme Court giving a construction to this article of the Constitution, and if there had been no legislation in conformity with it, or to carry it out, there might be some doubt as to the party upon whom this obligation is imposed. But Congress in 1793 passed a law, to which reference was made on yesterday, by which Congress declares that the master shall be entitled to seize or arrest his fugitive slave whenever he shall escape from him into another State of the Union. It then makes it the duty of the master to take the fugitive that he has so seized before a judge or committing magistrate. It makes it the duty of the magistrate, not as the Senator from New Jersey [Mr. Dayton] and others seem to suppose, to summon a jury to determine the rights of the master, but it makes it the duty of the judge or magistrate before whom the servant is taken by the master, to determine as to the right of the master, and then the obligation is imposed on the judge or magistrate to issue his certificate to the master, who is entitled by virtue of that certificate to carry the slave from the State into

the agent of the owner in Maryland could safely carry him beyond the limits of Pennsylvania. Whilst he was in jail a writ of habeas corpus was issued by another judge: the fellow indicted for murder was taken out of prison, and by some agency placed beyond the control of justice, and we have never heard of him from that day to this. Now some twenty cases of a like kind to those which I have recited occurred during the three years that I was Governor of Maryland. Senators, therefore, cannot be surprised that the people of any section of this country would be excited when such scenes occurred before them as this; when their property is seduced from them, and when, after reclaiming it under the constitutional provision and the act of 1793, a lawless mob can interfere, rescue it, and murder the master and remain unpunished; and when one State has declared a particular act to be felony, that the Governor of the other State shall decide that that act is unconstitutional, and refuse to deliver up a party indicted for felony, because he chooses to think that the law creating the offence is unconstitutional. Why is all this? It is because of the sympathy upon the part of those persons for the slaves. It illustrates the remark which I must say I was very sorry to hear from the Senator from Massachusetts yesterday, that no law in this country could be executed unless the people of the place where it was to be executed were in favor of it. So it is with reference to this large amount of property, estimated at \$1,600,000,000. No matter what law you may place on the statute book—and you can place no law more distinct than this clause of the Constitution; you can frame no law which imposes with more obligatory force the duty to deliver up than the act of 1793—place any law you please on the statute book, the people of the free States, having their sympathies excited in favor of the slave, refuse to execute the law. The law is a nullity because the will of the people is against it, to use the language of the Senator from Massachusetts. What protection then, have we for this \$1,600,000,000 worth of property? Can we pass any efficient law unless such a one as I have had the honor to propose? The bill which you have under consideration provides that officers appointed by law shall take affidavits and deliver up these persons. You have already the act of 1793. The act of 1793 has not been executed, not because its provisions were not adequate, but because its execution was against the will of the people where the law was to be enforced. The facts which I have detailed as having occurred in my own State (and hundreds of similar cases will be within recollection of all who hear me) clearly demonstrate the utter inefficiency of the existing laws, and I ask Senators to point out the feature in the bill now under consideration which would be more effectual when similar cases shall hereafter occur. I ask, then, whether the most just as well as the most efficient remedy would not be to impose upon the Federal Government, which, under the decision of the Supreme Court, is alone authorized to discharge that duty

the obligation to pay the damage, if they fail to discharge the duty?

The American people are essentially a practical people. I never shall believe that they are willing to risk the destruction of this Government upon a mere abstraction. Now, permit me to ask my friends on the other side of the Chamber, what do they propose for themselves? Let me ask the Senators from Massachusetts, or any other gentleman whose States entertain (not that they do) different opinions from those entertained by you and I, what is their people's desire, unless it is the abolition of Slavery? There is nothing practical other than this which can grow out of all this agitation upon their part. Now let me put a further question to them. Conceding, for the purpose of the argument, the right of the General Government to abolish Slavery within the States, would their people consent to the exercise of such power, in view of its necessary consequences?

It is admitted by all the Senators upon this floor—even by the Senator from New York [Mr. Seward]—that

the *abolition of Slavery anywhere* is a *dead letter*.

Every one knows that a dissolution of this Union would be of advantage to the South, because this description of property would be better protected under a separate Southern government, than it is protected now under the Federal Government. And why, sir? Mr. President, these dangers to the institutions of our country have grown out of the daily excitement which is attempted to be produced, here and elsewhere, upon this subject. We find petitions flowing in here daily from the Northern section of the Union, asking that this property belonging to the Government proceed from the proclaimed fact, on their part, that the Constitution of the United States protects the master in his right to his slave as property, and the consequent inability, on their part, to abolish Slavery. This, then, is the fanatic notion of those persons at the North, who desire to destroy the Government of the country. Now, there is a class of persons at the South, who, for reasons the *exact opposite* of those which have induced Northern men to entertain these opinions, *look to the Government of the country with like aversion, and think that a dissolution of this Union would be of advantage to the South*, because this description of property would be better protected under a separate Southern government, than it is protected now under the Federal Government? It would oblige the Federal Government to pay \$1,600,000,000 the interest on which would be \$96,000,000 annually—more than double the entire income of the country. Will any portion of the people of this country, North or South consent that the Federal Government shall assume these \$1,600,000,000 for the purpose of carrying out mere miserable abstraction? If it was to be paid by the States, it would impose upon the State of New York liability to pay \$192,000,000, on my own State \$32,000,000, and on Massachusetts \$6,000,000. Let me ask Senators, is there a State in this Union which would either agree that the Federal Government would assume this debt of \$1,600,000,000, the annual payment of interest on which would be \$96,000,000, or that their individual States should assume a separate obligation to pay their quota of that amount?

If the South would consent that you would abolish Slavery, can you abolish it? Has the General Government the capacity to pay this amount?

Have the individual States, if it is to be

assumed by them, the ability to pay their share of the debt which would thus be imposed upon them?

Is there a Senator here representing any State who will say that his people will consent, on a mere abstraction, to risk the mighty destinies of this great country upon a question which gives them a power

they would not exercise if they had the will, because they could not exercise if they had the will, because of their inability to pay this enormous amount?

But, independent of this \$1,600,000,000 which would be imposed on the Federal Government by the abolition of Slavery, as a consequence of it would be the necessary obligation to remove the slaves beyond the limits of the country; for no philanthropic mind can for a moment believe that there could exist in the southern States a preponderance of that description of population without their being slaves. Those philanthropists who would agree to such a thing would agree to an evil preferable to which would be the entire destruction of the whole of the black race at one single moment. It would be better for them that you should pass a law by which they should be brought up and at once destroyed, than that they should undergo accumulated miseries year after year. The ultimate result would be the same.

I have given the subject every consideration, and I am sure there cannot be any well-founded constitutional objection to the proposition which I have submitted.

I read this morning in the *Union* the abstract of a speech delivered by a member of this body [Mr. Seward] before the people of a non-slaveholding State of this Union, which shows the character of the aggressions which have excited the feelings of the South upon this subject. Permit me to read two extracts from that speech.

I ask the attention of those Senators, who, at one time, were disposed to protect the individual referred to from the just curse which his remarks, made in this body, ought to have imposed upon him, to the sentiments expressed by him on this occasion:

"It is written [says he] to the *Divine law*, that we shall surrender the fugitive slave who takes a refuge at our firesides from his relentless pursuer."

Then his advice is "reform your own code."

This is the advice given to the people of Pennsylvania, at a mass meeting, and given to a people who have produced as much of this excitement on the subject of fugitive slaves as those of any other State.

This is the advice given to that people of his own standing high in the estimation of his own State:

"Reform your own code; extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your household gods."

Yes, sir, "defend him as you would your household gods."

Mr. FOOTE. What Senator do you allude to?

Mr. CASS. The "higher law."

Mr. PRATT. That is it. Now, I ask those Senators who represent the non-slaveholding States of

the Union, can you expect that the great object which the Senate has had in view for the last six months—that of producing peace and harmony between the people of the two sections of this Union—can be attained, when you have language such as this used at mass meetings of the people, by persons standing before them in the position which the speaker on this occasion occupied? Can you believe, sir, that this harmony can be produced by any action here, any law which you may pass here, merely having for its object the delivering up of the fugitive slave? Here these people are advised not to deliver them up, but to protect them, and defend them, as they would their household gods. The people, sir, not seeing the constitutional obligations resting upon them as fully as we see them, will obey these instructions; and if as the Senator from Massachusetts said, this law cannot be enforced unless the community favor the law, I ask what will be the use of it? Can you expect the persons holding this vast amount of property, this \$1,600,000,000 of property, to be content with it? And can you thus leave the subject, and say that you have discharged all your obligations in regard to it, by passing a law, which at the very time of its passage, you say cannot be executed, because the people upon whom it is to operate will resist it? Sir, is it a Government, or is it not? Is it a government which we ought to be under, and which we ought to be proud of? Is it worth fighting for?—more, is it worth living for? Here is a constitutional obligation imposed, a constitutional right conferred, the right of property admitted, the direction to the Government implicit to protect that property; and yet, when it is not protected, the Government is not to be answerable for it? The Government can pass no law which shall be effectual, because the people will not execute that law; and yet the Government is not to pay for the loss thereby sustained? Are gentlemen prepared to assume that position? Sir, I am prepared, in reference to the amendment which I have offered, to defend its provisions, I think, against any attack which may be made upon them based upon constitutional or other grounds. I believe it to be the only remedy in the power of Congress to offer, which will settle now and forever the agitation upon the subject of fugitive slaves. The North cannot say it is unjust to them, because the South will pay at least one half of the value of those fugitives, which, by reason of a "higher law" or some other, they are unable to reclaim. The South, I hope, in that spirit of harmony which has heretofore governed their counsels, and which, I hope, will continue to govern them, will agree to accept this as the only means in the power of the Government by which the constitutional provision in reference to their rights, can be executed. If we pass this law, there will cease to be this excitement in regard to fugitive slaves, either in Kentucky, Virginia, Maryland, or any of the States who are subjected to the State's loss; because then the masters will go to the State into which their slaves have escaped, and, by pursuing the course indicated in this amendment, if the officer of the Government does not discharge his duty, if the Government of the United States will not do what it is pledged by the Constitution to do, then the right is given to them to come back on the Government and say, "You refuse or neglect to comply with this constitutional obligation: now pay us for the loss we have sustained."

Mr. BUTLER. It is perhaps right that I should state here, (with the permission of my friend from Maryland,) as the position I stated yesterday has been referred to, that I said that I was willing to be governed by the decision of the Supreme Court in the case of the Commonwealth of Pennsylvania vs. Prigg, so far as regards the only question adjudicated but not beyond that; and I then said that my opinion, the only question adjudicated was one decided by Chief Justice Taney.

Mr. PRATT. I understood the Senator from South Carolina yesterday to say, in reference to that decision, that he would be governed by it only so far as he considered it right, and good law. That, however, is not the doctrine of the Senator from New Jersey. He believes that the Supreme Court is a tribunal appointed by the Constitution for the purpose of deciding constitutional questions, and that its decision in regard to constitutional questions is final and conclusive.

Now, the proposition of the Senator from New Jersey is, that the United States are the endorsers for the defaulting States; that is, that they are assuming a liability only belonging secondarily to the United States, and primarily to the States themselves. The Senator cannot read the case of the Commonwealth of Pennsylvania vs. Prigg without admitting that the Supreme Court have there decided that this constitutional obligation to deliver up the fugitive slave to his master is an obligation imposed on the United States Government alone; and that not only have the State governments no such obligation imposed on them, but that it is unconstitutional for the State governments to exercise any jurisdiction in the matter. I defy the Senator from New Jersey, if he has read that decision, to deny that it is as I have stated it to be. Therefore I have these propositions, which are conclusive upon the argument made by that Senator: first, that the Supreme Court has decided that there is no liability, primary or secondary, on the part of the State governments and consequently that the United States cannot be assumed to hold the attitude of an endorser for the defaulting States; that is, that the United States, because not only were the States never bound to discharge the duty from which the liability arises, but, according to the Supreme Court, they have no constitutional power to discharge it. The Supreme Court have decided that any law passed by a State in reference to the discharge of this supposed liability is a unconstitutional law, and therefore void. Here, then, instead of the Federal Government being the endorser for the defaulting States, the Federal Government, under the Constitution and under the decision of the Supreme Court, are the original defaulters; themselves, and the only defaulters; they are not to be placed as a substitute for the States, for they are the only party who were primarily or secondarily liable. But the Senator says that no law involving the principle of this amendment has ever passed. And it was said to me this morning by a friend, very politely, that he did not support my amendment because it was a foolish amendment, and he could not think of voting for a foolish amendment.

Mr. DAYTON. The Senator did not hear me say so.

Mr. PRATT. I did not impute it to you.

Mr. DAYTON. You were speaking in connection with my argument, and it might be so understood.

Mr. PRATT. I was about to remark that the proposition involved in the amendment may be new to the minds of some Senators, but to me it is not a new one. Some years ago, a lawless mob in the city of Baltimore, uncontrollable by the city authorities, destroyed the property of some of their citizens. In England, whence of our principles of law are derived, the city would have been liable for the damage thus occasioned, but there being no such law in our State, the injured parties applied to the Legislature of Maryland, and they at once assumed that, as Maryland was bound to protect the lives and property of her citizens, she was also liable for damages arising from the non-compliance by her with that obligation, when she did not employ sufficient force to insure the allegiance of the citizens and the consequent perpetuity of the Government. Now, is not this an occasion for the application of that principle? The Senator from New Jersey says that such a case has never occurred before. I know of hundreds of them. Let me suggest one: Under the late treaty between the United States and Mexico, the United States have pledged themselves to protect, for a certain period, the people of Mexico from the depredations of the Indians. I believe that is substantially the compact in the treaty. Now, suppose the United States did not go there, and by depredations on the Mexicans destroy a hundred thousand or a million dollars worth of property—would the Senator contend that the United States would not at once pay them?

Mr. DAYTON. Will the Senator permit me to interrupt him?

Mr. PRATT. Yielded the floor.

Mr. DAYTON. But suppose that the Government were to carry out the obligations of the treaty, and were to put a sufficient number of troops there for the defence of it, yet by some kind of accident a Mexican house was to be burnt, or some Mexican property lost, does the Senator mean to say that the Mexican could call upon this government to be responsible



successful, and a certificate to that effect is granted him, whilst only five dollars is allowed them if they fail to see sufficient proof! Truly, it will be next to a miracle, if from such a class, not a few are found willing to become the tools of the oppressor.

The marshal and deputy marshals are obliged, under a penalty of \$1,000, to receive and use all proper means diligently to execute all warrants and preceps directed to them: and if any fugitive, after being arrested, shall escape from the custody of the marshal or his deputy, no matter whether with or without their ascent, the marshal may be compelled to pay the value of the slave by a suit on his official bond. And the better to enable the commissioners to execute their duties fairly and efficiently, they are authorized, from time to time, to appoint as many persons to execute their warrants as they see fit, with authority, if need be, "to summon and call to their aid the by-standers or posse comitatus," when necessary to insure a faithful observance of the law; and all good citizens are commanded to aid and assist in the prompt and efficient execution of the law, whenever their services may be so required.

Any slaveholder, or his agent or attorney, may legally, either with or without any warrant, as he may see fit, seize any citizen, or other person found in this State, and take him before any one of these commissioners, in any county, whom for any reason he may please to select, and claim the man as his slave. It then becomes the duty of the commissioner "to hear and determine the case of such claimant in a summary manner." There is to be no elaborate and careful sifti-

ng of evidence—no appointment of counsel to defend him.

But the liberty of a human being is to be finally passed upon in a summary manner by a person who has more pecuniary interest to make him out a slave than he has to find him a freeman! And, in order to simplify the matter as much as possible, the law declares that the testimony of the alleged fugitive shall in no case be admitted, but at the same time points out a way in which the claimant can, by his own oath, or that of his agent, most easily fabricate conclusive evidence in support of his claim.

To obtain this evidence, a slaveholder may go before the judge of any court of record in his own State, and by ex parte testimony "make satisfactory proof" to that judge of the escape of his slave; and thereupon a record is made of the matter so proved, "and also a general description of the person so escaping, with such convenient certainty as may be, and a transcript of such record, authenticated by the attestation of the clerk and of the seal of said court being produced" in Massachusetts, and exhibited to any of the above named judges or commissioners, "shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the persons escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant."

The result of this provision, in nearly every case, must be, that the slaveholder, by his own oath, or, what is the same thing, that of his agents, taken wholly ex parte, and without being subjected to any close examination, may, through the process of a court record in his own State, prepare for use against citizens and residents here, conclusive evidence of the fact that a person of such a size, shape, and personal appearance, is his fugitive slave. But the daily experience of every reader must have already convinced him how frequently even entire strangers are mistaken for one another, even by intimate acquaintances of one of the parties. Over twenty persons were ready to testify, on oath, that they had seen Dr. Parkman in the streets, after the time when, as the result proved, his lifeless remains had been disposed of in the Medical College.

Now, what security have we, under this law, if the slaveholders' agent, with the authenticated record in his pocket, seizes the wrong man? Very little indeed—almost none! Suppose he meets a man in the street, whose appearance tallies, he thinks, with the description given in the record. He seizes him, and hurries him before that commissioner whose perceptions are most likely to be quickened by difference in his fees. If terror does not, the law does, close the mouth of the poor colored man. He may be an entire stranger in the place, and consequently unable to prove his freedom. He may, it is true, protest, on oath, before the commissioner, that he is a freeman, but the law pays no heed to his oath, though it fabricates conclusive proof out of that of the claimant. If the commissioner also thinks that the description in the record agrees with the appearance of the man before him, he may adjudge the production of any further proof of identity unnecessary, and grant the claimant a certificate that the man is his slave. He may, if he pleases, even refuse to hear a particle of evidence in favor of the victim, supposing the latter to be in a situation where he can procure any, which frequently must happen not to be the case. This certificate, no matter how corruptly procured, cannot possibly be legally impeached or set aside in any way. The law declares that it shall be conclusive evidence of the right of the claimant to remove the alleged slave, and shall prevent all molestation of the claimant, "by any process issued by any court, judge, magistrate or other person whatsoever." The writ of habeas corpus—the writ of personal replevin—the right of trial by jury—all fall powerless before this "certificate," thus "summarily" procured. The State is bound to protect its citizens, and yet there is no process known to the law which can avail the victim. Thus completely is the liberty of any citizen of this State placed at the mercy of any one corrupt or careless commissioner!

Suppose one of the many colored seamen and stevedores (to our Southern ports, for venturing to exercise the right guaranteed to them by the Constitution, should escape from Slavery, and once more breathe the free air of Massachusetts. There is not sufficient power in all the Commonwealth legally to prevent that man from being torn from the very spot of his birth, under the provisions of this law, and taken back to Slavery! The master would come here with the authenticated record which would constitute conclusive evidence of his Slavery and escape, and not even the testimony of the mother who bore him, of his wife and children, singly or combined, would shake in the slightest degree the conclusive character of the record. The identity of the man would be beyond doubt. It would be beyond all doubt that he was really a free-man. Even the commissioner might believe him to have been a native of this State; and, yet, under the provisions of this law, we could not protect him from being carried back to Slavery! Our laws would be powerless! Whoever had the manliness to endeavor to aid him to escape, would expose himself to a fine of \$1000 and six months imprisonment, and perhaps to a further claim of \$1000, by way of civil damages to the claimant. It is possible that public opinion might be powerful enough to avail him, but it would avail him only by trampling the law under foot. And this is not the kind of protection for the liberty of the citizen, which our State Constitution speaks of when it declares that each individual has a right to be protected by society in the enjoyment of his liberty, according to standing laws. Even this kind of protection, which public opinion might offer, the law of Congress guards against, as far as possible. In case the claimant makes affidavit that he has reason to apprehend a rescue by force, before he can take the fugitive beyond the limits of the State in which the arrest is made, it is made the duty of the officer to retain custody of the fugitive, and to remove him to the State from whence he fled; and to do this, he is authorized to employ, at the expense of

the 6th section of the law, the claimant is, in express terms, authorized to bring with him, in order to be used as *secondary* evidence, any amount of affidavits, before a Justice of the Peace; provided the Justice's power to administer an oath in duly certified under seal of court. A kind of evidence which is not received in either State or United States Courts, in the most insignificant legal trial that can be named.

the United States, such a number of men as will be sufficient to overcome any rescuing force which may be brought against this law.

Such are some of the legal objections which may be brought against this law. As we have seen, a regard for the fundamental principles of the Constitution, for the self-evident truths of the Declaration of Independence, required Congress, when enacting a law on this subject, jealously to guard the rights of citizens of the free States. Not only has Congress not done this, but it has passed a law, which places at the sole discretion of any one of a number of interested men, the liberty of any man in the Commonwealth, and which deprives the Commonwealth of all power to protect, in any way except by force of arms, the liberty of its own admitted citizens; a law which tramples under foot long acknowledged and fundamental principles of civil liberty, and those legal rules of evidence, the application of which the experience of centuries has demonstrated to be necessary to protect the personal rights of the individual.

But there are other and far higher and more important objections to this law, and the clause of the Constitution under which it was framed, than any or all of those which have been alluded to. Even if we could be perfectly sure that none but those who are legally slaves would be returned to bondage—even if it was capable of demonstration, that under this law and constitutional provision, the rights of every free citizen would be protected—still, it would be morally wrong to support these laws. Slaveholding is always wrong; it is wrong to hold any man in Slavery. It is wrong to return or aid in returning a fugitive slave. These things are wrong—the Constitution of the United States and law of 1850 to the contrary notwithstanding. Not all the constitutions and laws of the universe can make wrong in the slightest degree right. No one hesitates to deny the right of any one to hold us in Slavery. Every one admits that if we were slaves, it would be right to escape if we could, and wrong for any one to force us back into Slavery. But if it is wrong for any one to enslave us, or to force us back into Slavery, it is just as great a wrong for us to enslave any one else, or to aid in returning any one else to Slavery. The soul of each man responds to the law of God—Do unto others as ye would have them do unto you!—Thou shalt love thy neighbor as thyself!—and the slave who is toiling on a Southern plantation, and the slave who has manfully compassed his escape, are no less our neighbors than the friend whom we have known and loved from boyhood. God is the common Father of us all. All men, black as well as white, are brethren.

We cannot bring ourselves to believe that the Old Bay State is to become a hunting-ground for slaves. We will not believe that Massachusetts freemen will lend their aid to this monstrous inhumanity, until sad experience shall have demonstrated the fact. Who is there who is so heartless as not to be willing to succor and assist William and Ellen Craft? Where shall we find the man with soul so dead as to be willing to seize the heroic woman, Betsy Blakely, who, concealed on board ship, escaped from Wilmington, N. C.? Whose house and purse would not be opened to afford her shelter and protection against the slave-hunter? No! the law cannot be enforced in Massachusetts! It is contrary to the moral sense of the community, and the community will repudiate it. 'Pass enactments,' says the earnest-souled Henry Ward Beecher, 'enough to fill all the archives of the Senate, and your slave-catcher shall not budge an inch faster than he does in the North. Every village will spur him. Every yeoman along the valleys will run the slave, and trip the shameless hunter. Bread and shelter, protection and direction, will be the slave's portion north of Mason and Dixon's line, with more certainty and effect every year that elapses, until the day of emancipation.'

It will be so, because, since the world began, the sympathies of common men have been with the weak and oppressed. In that sympathy, they have conformed to the fundamental law of humanity, which lies deeper in the consciousness of honest men than any national compact can ever go. Man cannot plant parchments as deep as God plants principles. The Senate of the United States is August; and such men as lead her counsels are men of might. But no man, and no Senate of men, when once the eyes of a community are open to a question of humanity, can reason and enact them back again to a state of indifference, and still less can they enlist them along with the remorseless hunters of human flesh. And of all the very men who will justify Mr. Webster's adhesion to the South, if a trembling woman, far spent with travel and want, holding her babe to her bare bosom, tripped in her utmost misery to the northbound, should timidly beg a morsel of bread, a place to sleep, or a night's hiding-place from a swift pursuer—do there one of them all who would hesitate what to do? Is there a New England village that would not vomit out the wretch that should dare harm the slave mother? There are thousands of merchants who will say Mr. Webster is right, who the next moment will give a fugitive slave a dollar to stand on with! There are thousands who will say we ought to stick to the Constitution, who, when the case comes, would sooner cut their right hand off than be a party to a slave's recovery.'

We cannot refrain from quoting one other extract from the same writer:—

"If the compromises of the Constitution include rights which violate the principles of humanity, I will not be bound by them. Not even the Constitution shall make me unrighteous. In the patriotic sins confederated in my behalf, that I should maintain that instrument, so I will, to the utmost bounds of Right. But who, with power which even God denies to himself, shall by compact force me to the commission of inhumanity and injustice? I disown the act. I repudiate the obligation."

Never will I have breath will I help any official miscreant in his base errand of re-capturing a fellow-man for bondage. And may my foot palsy, and my right hand forfeit her cunning, if ever become so untrue to me and to religion as not, by all the means in my power, to give aid and succor to every man whose courageous flight tells me that he is worthy of their aid. If asked, when becomes of the Constitution, I reply by asking what becomes of the great Constitution of Humanity, if you give back a slave to the remorseless maw of servitude? I put Constitution against Constitution, God's against man's. Where they agree, they are doubly bound. Where they differ, my reply to all questioners—but especially to timid Christian scruples—is in language of Peter: 'Whether it be right, in the sight of God, to hearken unto you, more than unto God, judge ye!'

Freedmen of Massachusetts! Followers of Christ, the Redeemer! Believers in a higher law than that of man, even the unchangeable law of God! The hour has come to prove your unfaltering attachment to liberty—the sincerity of your religious profession—that you are not atheistic in heart! As citizens, it is your prerogative to question the constitutionality of any enactment of Congress, and, in case you are convinced of his illegality, to contest it, as such, till a final decision made by the rightful judiciary. As moral and religious men, you cannot obey an immoral and irreligious statute, whether it be constitutional or otherwise, without forfeiting your character, and committing gross impiety. The edict of Nebuchadnezzar, setting up the golden image to be worshipped, on pain of the rebellious being cast into the den of lions, was just as obligatory as is the fugitive slave law of Congress. This law is to be denounced, resisted, disobeyed, at all hazards. Its enforcement on Massachusetts soil must be rendered impossible. The testimony against it must be so emphatic and universal, that no slave hunter will dare to make his appearance among us, and no officer of the Government presume to give any heed to it. The religious or political journal that refuses to record its protest against the law must be marked, exposed, and held up in popular abhorrence. In every city, town and village, the clergy, of all denominations, should be respectfully requested, by deposition or letter, to arraign the law from the pulpit as "What do you know of my private character? What can you know of my private character? S—neither other people. No better!" But possibly this may be the ceremonial in that realm of semi-quavers over which she reigns. And so, perhaps, the world, and handed down to posterity. Let a vigorous Magistrate will yet receive the in-dignity it shall be to succor and help, in every way, the

By the 6th section of the law, the claimant is, in express terms, authorized to bring with him, in order to be used as *secondary* evidence, any amount of affidavits, before a Justice of the Peace; provided the Justice's power to administer an oath in duly certified under seal of court. A kind of evidence which is not received in either State or United States Courts, in the most insignificant legal trial that can be named.

fugitive slave. Let those who exercise the elective franchise send up such senators and representatives to the next Legislature as will be ready to give official expression to the deep detestation of the law of Congress which pervades the Commonwealth. Bear in mind, that laws which are contrary to public opinion are dead, though living on the statute book.

To his undying infamy, one of the representatives in Congress from this State—SAMUEL A. ELIOT, of Boston—voted for this cruel, illegal, unchristian enactment! It was the vote of one recreant to justice, humanity, and honor; and however a proud, corrupt, manly Sargent. Some malicious persons, it seems, not knowing how extensive is the circulation of the Standard, got out your Correspondent's letter in a handbill, which was widely circulated within the narrow public that cares for these things. Singularly enough, the person thus distinguished by your Correspondent and his own friends took it in snuff—which seemed strange, for two reasons: First, because he is a sworn enemy to tobacco in all its forms; and, secondly, because the handbill contained the very creamies of the *ocean* (*la crème de la crème*) of his own articles against Garrison and his gang of disorganizers in the flickers in human flesh, and their Northern accomplices.

There has been a good deal of amusement hereabouts for a few weeks past, in consequence of a small *Scrimmage* (if you will pardon the expression) into which you and I were unwittingly dragged. It arose from my penultimate letter in which I had given some account of an eminent person well known in these parts (being, "like Cerebus, three gentlemen at once") as being the "Sexton of the Old School," "Sigma" and Lucius Manlius Sargent. Some malicious persons, it seems, not knowing how extensive is the circulation of the Standard, got out your Correspondent's letter in a handbill, which was widely circulated within the narrow public that cares for these things. Singularly enough, the person thus distinguished by your Correspondent and his own friends took it in snuff—which seemed strange, for two reasons: First, because he is a sworn enemy to tobacco in all its forms; and, secondly, because the handbill contained the very creamies of the *ocean* (*la crème de la crème*) of his own articles against Garrison and his gang of disorganizers in the flickers in human flesh, and their Northern accomplices.

Let them bind, if they will, the swift clouds as they

turn back the red light to its home in the sun—

Stay the rain that rides on the wing of the gale!

But they never shall bind, with a tyrant's command;

The Spirit of Freedom gone forth in our land;

Or let the Truth, as she moves through the world,

With her hand to the sword, and her banner unfurled!

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## NATIONAL ANTI-SLAVERY STANDARD.

## Miscellany.

TO THE EDITOR OF THE BOSTON POST.

## THE SEXTON SOLD!

Sir: At the close of a letter to the Editor of the *Transcript*, which you did me the favor to publish last week, after he had declined to insert it, I intimated that there was another matter relating to Sigma, though not to myself, which I should perhaps make the subject of a future communication. This I now propose, with your permission, to do. Before entering upon it, however, allow me to say, in a single word to that editor. He charges me in his paper of the 13th with disingenuousness and want of candor because I did not publish his letter of refusal. I cannot see that I was called upon to do so. I certainly could have had no objection, had I supposed he wished it to be done, excepting that I had asked already for as much of your space as I could reasonably expect you to give me. Neither do I see that he has taken himself out of the range of my censure by his reasons, which are substantially those of his letter. He says I chose my organ for my "attack on Sigma and he his for his reply." My "attack" was a half serious exposition of the claims of Sigma to judge and condemn men, whatever may be their heresies and faults, quite as good as himself. I made game of him, undeniably, but I laid no charge against him, excepting the one proved before the police court. Had he confined himself to the same style of warfare, I should never have troubled the *Transcript*. But he accused me in his reply, through three mortal columns, of *lying*; which, if I am not mistaken, is yet regarded (unless it be in polités) as a serious imputation upon a gentleman's character. I do still think, sir, that I was entitled, in fairness, to a hearing before the same public to which the accusation had been addressed. The editor is mistaken in supposing that any of the "organs" in which my letter appeared, over which I have any influence, would have refused admission to Sigma's reply. Either of them would have readily published it, had it been sent to them; and, I dare say, will do so as it is. But enough of this.

You are probably aware, sir, that the eminent person we have in hand, like numerous other ingenuous members of society, is known by more names than one. One of these *aliases*, as perhaps you know, is a "Sexton of the Old School" in which capacity he has, for an incredible length of time, served up for the delectation of those relishing such ghoul-like repasts the *disjecta membra* (as himself might say) of sundry and divers defunct people and events, disinterred by him for the purpose. I must needs confess, sir, that I have not often partaken of them myself, not fancying either the meat or the cook, let the *seader* of the one or the other be whom it might. Or, to mix the metaphor a little, the specific gravity of his articles had rather a repelling than an attractive power over so volatile a body as myself. But one afternoon last week as I peeped tremblingly at the fourth page of the *Transcript*, with a fearful looking for of the judgment which the editor had announced as impending over me, my eye fell upon the Sexton's dealing for the Day with the Dead, and my spirit returned unto me. Inwardly exclaimed, (I trust you will pardon the freedom of the expression) "The Lord hath delivereded him into my hand!" And, without a moment's hesitation, I disbursed the two cents which were to make me his lawful and tormented property.

In the contribution to the stock of the intelligence of the readers of the *Transcript* made that day by the Sexton, he gave an account of the disinterment of the famous John Hampden, as he says, and italicizes, "in 1828 under the direction and in the presence of Lord Nugent," and expressed a variety of opinions touching that noble lord's conduct in the premises. I must make some quotations at considerable length, but I think I can assure you they will well repay the reading. He openeth as follows:

"In 1828, the body of Hampden was disinterred, under the direction and in the presence of Lord Nugent; and when he published his memoir of Hampden, in 1831, I bought a copy to assist me in my professional studies, not doubting that it contained a particular account of the disinterment. Such an account would certainly have given additional interest to the memoir, and might, at least, have found a place in the appendix; but not even an allusion to the disinterment appears in Lord Nugent's memoir, published in two volumes, 1831, nor in the second edition, of 1832. This is appeared quite unaccountable until I fell upon a passage, in the *London Quarterly Review*, vol. 47, page 515, in which the writer, after questioning the sufficiency of the professed object to justify the disinterment of Hampden's remains, and especially condemning the manner in which that disinterment was effected, inclines to the opinion that Lord Nugent himself was moved by these very considerations to say nothing of the transaction in his memoirs.

"Mere mortal curiosity can never afford sufficient justification for any disturbance of the ashes of the dead: and, when adequate reasons for disinterment are at hand, the process should be conducted with the strictest regard to decency. In the disinterment of John Hampden's remains, there was something, which the very coarsest members of our profession will admit to be 'rough handling'; and it appears to me, that the motives assigned for the posthumous examination of the body, upon this occasion, were not less exceptionable even than the manner in which it was conducted."

After stating the two differing accounts of the manner of Hampden's death, he proceeds thus:

"The avowed object of the disinterment of Hampden's remains was to ascertain, if possible, in which of these two ways he came to his death. Lord Nugent sought and obtained the necessary permission; presided at the examination; descended into the vault, &c.; aided and assisted, by his acquiescence at least, in cutting off the dead man's arm, 'with a penknife,' for a closer inspection—in prying up the corpse 'with a shovel'—and in taking hold of the hair, which was long and perfect, in such a way, that it came off, skull cap and all, 'like a wig.' If one of our sextons should presume to deal with the very humblest of the dead, as my Lord Nugent appears to have dealt with John Hampden, he would deserve to run the gauntlet of the brotherhood, armed with cross-bows."

He next marvels as to "what species of evidence Lord Nugent requires," and states that he says Hampden "was shot in the shoulder with two carbine balls." After a little, he goes on:

"If we take this account for evidence and I can conceive of no good reason why we should not—Lord Nugent, when he published his memoirs, must have known all that was known to the writer in the *Monthly Magazine*, for both were present at the disinterment. This fact must, inevitably, cast discredit on his statement as to the manner of Hampden's death. For, as a certain result of the post mortem examination, Lord Nugent must have known that the bones of the shoulder were neither 'broken' nor 'shattered.'

\* \* \* \* \*

"Lord Nugent not only found the shoulder bones unbroken, but, on lifting the right arm, he discovered that the hand was *detached*, the bones of which were found *wrapped up*, in a *separate piece of cerecloth*. The end of the arm appeared to have been *severed from the hand*, by a *saw*. All this, the relation observes, who, as I stated, was present with Lord Nugent and others, satisfied them all of truth of Sir Robert Pye's account. Yet, three years after, Lord Nugent published his book; adhered to the old story of the shattered shoulder and the carbine balls; and said not a syllable of the disinterment."

Now, sir, there was an excellent good reason why Lord Nugent should not have mentioned this interesting transaction in his "Memorials of Hampden," nor yet in the appendix thereto, yea, and why he should have "said not a syllable of the disinterment," at any time, if it so pleased him. And that was, because *no such disinterment ever took place!* Because the whole story was a *humbug*, a *mystery*.

The Sexton is in error when he says, "the account of the disinterment has never been called in question." It I do not much misremember it was strongly doubted in the very next number of the *Gentleman's Magazine* to that in which it appeared. At any rate it was flatly contradicted by Lord Nugent himself in 1832. Why he did not contradict it sooner I do not know. Very likely because he did not think it necessary to notice an anonymous statement containing such intrinsic marks of improbability. One would have thought that the fact of his not mentioning it in his "Memorials" was an sufficient contradiction of it. I think nothing short of the sagacity of our Sexton or of the rabid partizan, Robert Southey, would have discovered in his silence a bold and most insane attempt to falsify history in the suggestion.

But though I do not accuse Sigma of plagiarism in this instance, I cannot conscientiously acquit him of it in another line of that reply. Before directing my attention to it, permit me to express my admiration of the celerity with which that reply followed.

When the very unfair and one-sided review of the "Memorials" in the Quarter (July, 1832,) appeared, to which the Sexton refers, Lord Nugent felt himself called upon to notice it. This he did in a pamphlet of 16 pp., entitled "A Letter to John Murray, Esq., touching an Article in the last Quarterly Review on a book entitled," &c., published by Murray in 1832. Among other things he refers to this story. He calls it "a very silly, distasteful narrative of supposed very gaudy transaction, taken from the Captain to Grace Gaylove and is met by John Lump, the Yorkshireman, with one letter from the lady to him, John asks Looney what he has in his hands!

"Looney—Isn't it a letter? See, it's all wax, like a potter. It's for Miss Disgrace Gaylove, from my master, Captain Beagard.

"Lump—From the Captain? Then I saves a walk. Here be the answer!"

I would also take this opportunity gratefully to acknowledge the moderation of Sigma in his triumph over me. He contents himself with simply saying, "I thought he had killed him." Killed! why, my good sir, I was annihilated! Like Barnum, "I was nowhere!" And I have n't been anywhere, ever since!

But to the plagiarism. It is after all, as I find on verifying the quotation, one rather of thought than of expression. Let not Sigma be afflicated by the imputation. He shares it with authors whose society even he need not disdain. Has not Byron been accused of stealing from Wordsworth? Did not Mr. Farrier prove that Stern helped himself with both hands from old Burton and Bishop Hall? If you will believe the Rev. Mr. Todd, there is not a good thing in Milton that he does not owe to some ancient or modern author.

And, as for mere thundering invective, that is a weapon which every man may find ready to his hand for the mere pains of stooping for it."

Mr. Southey took his time to reply, but when he had got his battery into position he let fly to some purpose. Lord Nugent, as you know, notwithstanding his descent from our old enemy George Grenville is a whig of the most liberal stamp. He had just been assisting at the consummation of the reform bill, which had thrown Southery and all his tribe into transports of consternation and rage. He had dared, too, to defend himself from an assault of the acetoat of the Albemarle-street dynasty. Smarting under these public and private injuries, Mr. Southery in his turn addressed a "Letter to John Murray, Esq., touching" Lord Nugent, in reply to a letter from his lordship touching an article in the Quarterly Review; by the author of that article, published by Murray, in 1833. For keenness of sarcasm, unscrupulousness of statement and wickedness of wit, it would have done no discredit to Junius himself. Through more than seventy pages he pursues his antagonist with a rage and malice such as our Sexton may be capable of, feeling, but with weapons and skill which he would aspire to vain to use. There is as much difference between them in these respects, as between the Admirable Crichton fencing at Mantua and a scavenger throwing mud in the streets. But, as far as the story now in question is concerned, Mr. Southey admits, though with no very good grace, that he also had fallen into the pit that had been digged for the antagonist of St. John's Gate. "The result of inquiries," he says, "which Lord Nugent's letter has induced me to make, is that search was made for the body of Hampden; that several coffins were inspected but not opened, except one; but this was not John Hampden."

Now, sir, in view of the actual state of the facts, can anything be more delicious than the self-complacent suggestions of the closing paragraph of the Sexton:—

"He may have felt some compunction for having been partakers in such a bungling piece of post mortem butchery. But I am not satisfied with this explanation, which is suggested in the Quarterly Review. Let me offer another suggestion. Lord Nugent's book published in 1831, may have been written in 1828. At any rate, the opinions advanced thereon on several leading points were doubtless frequently expressed and maintained by him in various companies (—) the *vestiges restorum* are seldom agreeable; and so, after allowing three years for the affair of the disinterment to fade away, out came the book (!!). Three years were too few—*nonnum prematur in annum* is the true Horatian rule, and then his lordship would perhaps have thought better of it (!!). In our next the reader shall judge of the evidence for himself."

"Upon another occasion, being introduced to Mr. Wire, the Deputy Sheriff of London, who happens to be a very short, stout man, the caustic novelist said to the jolly little official: "You say you are Wire, Sir, but I swear you look more like an *inch of a crow-bar*." We do not give these instances as brilliant specimens of wit, but merely as a sample of his unfortunate fondness for sarcasm. We shall inflict only one more of these 'amabilities' upon our readers. A young author, somewhat conceited on account of having persuaded one of those generous hearted nondescripts, called publishers, to issue a religious work of his, entitled 'Schism and Repentance,' wrote to Jerrold, begging him to subscribe for a copy. The 'gentle Jerrold' wrote back that he might put him down for 'Schism, by all means, but I ask both your pardons for my mistake!'

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"In all modes of holiday-making, the palm must surely be conceded to that which combines a dignified purpose with an agreeable relaxation, which contubernal alike to the amusement of the tourist and the instruction of the world, and reconciles the sternest sages to the seductions of pleasure upon the pretext of disseminating wisdom. All these conditions have been fulfilled by the meeting of the Peace Congress, which has just taken place at Frankfort.

The ultimate issue of the Peace movement is matter for future, perhaps very distant, history; the immediate result of their expedition to the members of the Congress must, at all events, have been much present gratification and enjoyment. Many years may probably elapse before *Cobden* sits in triumph on the ruins of the Horse-guards; and more than a decade may pass away ere *Emile Girardin* has succeeded in suppressing the last of the French marshals. It may be doubtful even whether the present generation will live to see the doctrines of *Elihu Burritt* entirely neutralising all those tendencies to armed sympathy and forcible annexation which now flourish in the model Republic. But no one can for a moment doubt that the great Free-trader, the eloquent Editor, and the enthusiastic Sage, have each and all passed a very pleasant, and by no means unprofitable, week at the old Free-city on the Maine

"At first sight, indeed, there seems to be a somewhat audacious antithesis between the avowed purpose of the Congress, and the place and time selected for its assembling. A conclave of doctors, ready speakers and able editors, has gathered together to inaugurate an universal peace for the whole of Europe, in the very city where a similar conclave so lately failed in realising the union even of a portion of Germany. It proclaims the abolition of standing armies in a land where the bulk of the middle-classes regards the army as its bulwark against anarchy, and hails the approaching downfall of physical force and armed ruinism within hearing of the songs of *Hecker*, and within sight of the graves of *Averswald* and *Lichnowsky*. All this is true, but it is not the whole truth; it is equally true, and of auspicious omen, for the great cause advocated by the Congress, that in spite of all the madness and violence and wrong which, for the last two years, have been exhausting Europe, peace has remained unbroken by the calamity of a general war. With every exciting cause in the fullest activity; with a degree of general tumult in men's spirits, more vehement than has ever existed since the outbreak of the first French Revolution, we are yet living in that which the general language of history will designate as the thirty-fifth year of Peace. The strong good sense of the middle-class in the great European communities, under circumstances more adverse to peace than have ever, perhaps, co-existed in European history, has deliberately pronounced against war. The fires, indeed, of armed conflict have blazed in isolated districts with terrible intensity; but even the storm of revolution has failed to fan them into a general conflagration. This is a great fact—a fact which could only be true of an age like our own, in which unrestricted intercourse has been constantly tending to equalise the intelligence of society, and obliterate the prejudices of nations. It is a fact in which there is great instruction for the opponents, and great encouragement for the apostles, of peace.

The history, too, of Europe is with them. The silken diplomats of the present day despise *Elihu Burritt* as a visionary dreamer. Even so, after their kind, did the iron barons of the past laugh to scorn that man of God who, in the middle of the twelfth century, first proclaimed the *Treuga Die*, and denied the right of private warfare. But the right of private warfare has long since passed into the domain of antiquarianism and romance, leaving behind it no moment of its existence more striking than those crumbling towers, which, from the rocks of the Rhine, have just witnessed the gathering of the Peace-makers among the old battle-fields of *Gott von Berlichingen*.

Again, take the history of duelling: when Lord Herbert of Cherbury, the pink of English chivalry, visited the Court of Louis XIII., he found the ladies lavishing all their smiles, not on any of the "curled darlings of the land," but on a little, stooping, grey-haired warrior, whose main title to their admiration was, that he had slain eight of his friends and acquaintances in as many different duels upon the most whimsical punctilio of, so called, honor. Even in a very recent period, on the other side of St. George's Channel, it was deemed the duty of a man to be ready, at the slightest shadow of provocation, to "draw his good broad sword, and leave the lazy sons of peace to settle the justice of his quarrel;" yet the race of the Fire-eaters is in our times almost as extinct as that of the Fire-worshippers; "Fighting Fitzgerald" has been superseded by "Friends of Peace," and Sir *Lucius O'Trigger* has become a fossil character, preserved by the wit of *Sheridan*, in perpetual memory of a happily extinct species.

In all these facts, and many others that might be mentioned, there is much hope for the advocates of this great cause. Already, or we are mistaken, the time has gone by when the nations of Europe would permit their rulers, for the mere lust of conquest, to repeat the mad game of the *CHARLESES* and *FREDERICKS* of other days. The age of dynastic wars is at an end. The really difficult work that lies before the advocates of peace is to reconcile the abolition of standing armies with the just necessities of defence, or the encumbering exigencies of empire. To banish diplomacy from the European system, to procure a codification of international law, even to obtain a general assent to the principle of arbitration, might be a less difficult task than to devise the means of protecting the commerce of piratical seas without a fleet, or of upholding an Indian empire without an army. Far be it from us, however, to dash the ardor of a generous movement with the cold probabilities of criticism: all great triumphs have been won by the predominance of the hopeful over the despair of the timorous. "Impossible?" Mirabeau used to exclaim.

But though I do not accuse Sigma of plagiarism in this instance, I cannot conscientiously acquit him of it in another line of that reply. Before directing my attention to it, permit me to express my admiration of the celerity with which that reply followed.

When the very unfair and one-sided review of the "Memorials" in the Quarter (July, 1832,) appeared, to which the Sexton refers, Lord Nugent felt himself called upon to notice it. This he did in a pamphlet of 16 pp., entitled "A Letter to John Murray, Esq., touching an Article in the last Quarterly Review on a book entitled," &c., published by Murray in 1832. Among other things he refers to this story. He calls it "a very silly, distasteful narrative of supposed very gaudy transaction, taken from the Captain to Grace Gaylove and is met by John Lump, the Yorkshireman, with one letter from the lady to him, John asks Looney what he has in his hands!

The man who carried Free-trade against the aristocracy of England is not one to be daunted by difficulty: our earnest trust is, that, in our children's day, if not in ours, the cause he now advocates may win a like triumph over the banded diplomacy of Europe.—*Weekly (London) News.*

DOUGLASS JERROLD.

A WRITER in *Figaro* gives the following personal details in a sketch of Douglass Jerrold, the novelist and wit:

"In calmly summing up the merits of Jerrold as a dramatist, it seems to us that he is deficient in construction and realization of genuine human beings. His great strength lies in the pungency of his dialogues; but no collection of conversations, however brilliant, can by any possibility pass for a drama which ought to be the representation of life, or, as Shakespeare terms it, 'the mirror of nature.' Jerrold's conversation is highly spiced with sarcasm. He delights in retorts, which are seldom courteous. Some of them are very characteristic. We remember one evening, at a friend's house, he asked Mr. Macready if it was true that he had taken Drury Lane Theatres? Upon that actor's answering in the affirmative, Jerrold said: 'I thought he had killed him.' Killed! why, my good sir, I was annihilated! Like Barnum, 'I was nowhere!' And I have n't been anywhere, ever since!

But to the plagiarism. It is after all, as I find on verifying the quotation, one rather of thought than of expression. Let not Sigma be afflicated by the imputation. He shares it with authors whose society even he need not disdain.

I would also take this opportunity gratefully to acknowledge the moderation of Sigma in his triumph over me. He contents himself with simply saying, "I thought he had killed him." Killed! why, my good sir, I was annihilated! Like Barnum, "I was nowhere!" And I have n't been anywhere, ever since!

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